

APPROVED: Meeting No. 5-84

ATTEST:

Heleen M. Heneghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 2-84

January 23, 1984

The Mayor and Council of Rockville, Maryland, convened in executive session, in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, January 23, 1984, at 7:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

The Mayor and Council of Rockville, Maryland, convened in general session, in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, January 23, 1984, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow; Secretary Patricia Rager.

Re: City Manager's Report

Mr. Blick reported the following:

1. On Thursday at 7 p.m. at the Hungerford Elementary School, the State Highway Administration and the City will conduct a meeting on the Design and Impact Study for Ritchie Parkway. The public is invited to attend.
2. Letters have been mailed to the Maryvale community informing them of the February 9 meeting to discuss the use of the Maryvale School site.
3. The Planning Commission has sent a letter to area Civic Association presidents informing them that the Commission will be hearing a request by Tribune United Cable TV Company for placement of cable TV pedestals. No decision has been made by the Planning Commission and they are awaiting any comments from the civic associations.

Mayor Freeland said he thinks the citizens may be misled and explained that the cable tv agreement with the County does not allow a decision for above or below ground pedestals. He feels this is not a debatable matter. Mr. Blick explained that this was not a decision to be made by each household.

4. The new indoor pool was used for the first time on Saturday. At 9 a.m. there were three activities going on at the same time. The pool has passed inspection and everything is okay. The dedication ceremonies will be set for some time in March.

Councilman Tyner asked to be brought up to date on the Parking Permit request for Fletcher Street. The City Manager said that the Clerk's office has received the request and the Police are in the process of checking it for validity.

Councilman Abrams asked about the status of the Tennis Barn. Mr. Glasgow said the weather has hampered the removal.

Mr. Abrams said he attend the kickoff for the annual Girl Scout Cookie Drive and he has also been designated by his daughter to sell cookies.

Mr. Glasgow told the Council that this past Thursday the City went to settlement on Mannakee Street. The proceeds of sale were received today. This brings to conclusion a matter that has been around for a long time.

Mayor Freeland said he too stopped by the new pool on Saturday. It is lovely and noted that there were quite a few people there. He is very enthused about it and commented that the mural is very nice.

Re: Appearance of winners of
Martin Luther King Poster Contest

Mrs. JoAnn Mazzetta, Chairman of the Human Rights Commission, introduced to the Council this year's winners of the Martin Luther King Poster Contest. There were 250 entries and choosing a winner was very difficult. The judging was done by Carolyn Wilson, Councilwoman Hovsepian and herself.

- 1st Place - Grades 1 & 2 - Emily Hubbard, grade two, Twinbrook Elementary
- 2nd Place - Grades 1 & 2 - Chris Oakes, grade two, Twinbrook Elementary
- 3rd Place - Grades 1 & 2 - Jason Woodward, grade two, Twinbrook Elementary
- 1st Place - Grade 3 - Nakia Custis, College Gardens Elementary
- 2nd Place - Grade 3 - Joey Ruchirek, Beall Elementary
- 3rd Place - Grade 3 - Allison Wetterhahn, Beall Elementary
- 1st Place - Grade 5 - Eric Rosciam, Beall Elementary
- 2nd Place - Grade 5 - Kirk Sloan, Beall Elementary
- 3rd Place - Grade 5 - Chuckie Nguyon, Beall Elementary

Mayor Freeland said there was a good turn out on Saturday and they managed to give a number of the awards out on that day. He said he and Mrs. Mazzetta spoke on Saturday about possibly holding an activity in the summer and winter because the weather the past 2 years has not been cooperative. They both seem to think it is a good idea. Councilwoman Hovsepien asked what prizes were awarded to the winners. Mrs. Mazzetta said first place winners receive a savings bond for \$50 and second and third place winners receive gift certificates at Walden's Book Store.

Mayor Freeland thanked the students for coming and presented them with a flag pin.

Re: Citizen's Forum

There being no citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Appointments

Mayor Freeland made the following appointments. They were confirmed by the Council:

Planning Commission: Donald Boebel - effective March 1 - expires 1/86
3 Barclay Court

Historic District Commission: Howard Metro - appointed - 3 year term
1407 Fallswood Drive

Sue Collett - appointed Chairman - 1 year term

Michael Patterson - reappointed - 3 year term

Board of Appeals: Patrick Woodward - appointed as full member - 3 year term

Peter Hartogensis - appointed as alternate - 1 year term

Rockville Housing Authority: David Steinman - appointed - 5 year term
1122 Bettstrail Way

Re: Presentation of Tenants
Handbook - Rockville Housing
Authority - Human Rights
Commission

Mr. Jeryl Gegan, Chairman of the Housing Authority, and Mrs. JoAnn Mazzetta, Chairman of the Human Rights Commission, presented to the Mayor and Council, a copy of the new tenants handbook called Making It. They said the book has been in the works for a long time and it was a joint effort between both groups. Mrs. Mazzetta said she appreciates all the effort put into the making of this book by both groups and the City. She hopes it will be a better way to be able to communicate with the tenants. Mayor Freeland said there have been some tough problems in the past and hopes now that this will make it easier for both the tenants and the commissions.

Mr. Gegan told the Council that a Memo of Agreement has been signed by the Chairmen of the Human Rights Commission and the Housing Authority to commit but not combine the two bodies. This is the first time done by any of the City's advisory

bodies. He mentioned how just a year ago these two commissions were as far apart as possible. He is happy to say they are now together to form a third organization that does not take anything away from either. He then proceeded to read the agreement for the benefit of those in the audience. Mayor Freeland said he is pleased the two organizations have done this. Councilwoman Hovsepien said it is her understanding the members of the HRC have made themselves available on Saturdays to talk with the tenants and asked if this was part of the agreement. Mrs. Mazzetta said the Housing Authority knew of this arrangement ahead of time so that no toes were stepped on. Councilman Duncan echoed Mayor Freeland's comments. Councilman Tyner thinks this is a measure of fortitude and foresight of the present Mayor and Council. It is an effort by well-meaning people in the City and added it is nice to see concrete evidence in writing. Mrs. Mazzetta added that it came about because of Mr. Tyner's report on the Housing Authority.

Re: Approval of proposed testimony
for FY 84 Board of Education
budget

Re: Proposed comments on 1983
update of Board of Education
15 year Facilities Master Plan

Mrs. Eileen Goldberg, Chairman of the Advisory Commission on Public Education, presented to the Council a fact sheet on the FY 85 operating budget request for the Board of Education. She told the Council that the current FY 84 budget is \$370.6 million and Dr. Cody is proposing for FY 85 a budget of \$379.5 million, that does not include a cost of living increase for teachers. She explained that for every 1% increase in cost of living, the budget will increase \$3 million. She said the Commission supports Dr. Cody's requests and have made only 3 comments: 1) pleased that Wootton High School is expanding to a seven period day, 2) support County's funding of two ESOL positions and 3) support the inclusion of a teacher specialist in career and vocation educations. She said the Commission did not feel it should take a stand but does feel the teachers should get an increase. Councilman Abrams asked about merit pay. Mrs. Goldberg said that information is really not for public information though an article did appear in the paper. Councilman Duncan asked if the ESOL positions are pretty much the same. Mrs. Goldberg said they are. Councilwoman Hovsepien asked if the Commission is speaking separately on the CIP for Twinbrook Elementary and that she agrees with the letter. Mrs. Goldberg said public hearings will be held soon on the CIP and it is now up to the Mayor and Council to make a decision. The Commission held their discussions in the fall.

Mayor Freeland said it is a good letter, short but to the point. Mrs. Goldberg said she would make one change and that is to say that 8 schools have closed instead of 7. The Board of Education does not acknowledge that Southlawn is a closed school. Councilman Tyner suggested that on page two of the budget testimony, the statement on allocation of funds be clarified so as to make sure the City receives a reply back from the Board.

The Council agreed on the letter.

Mrs. Goldberg read, for the benefit of the Council a complimentary letter she received from Norman Christeller, Chairman of the M-NCPPC. Mayor Freeland asked that a letter be sent back to Mr. Christeller thanking him for his remarks. Councilman Abrams said he is supportive of the testimony and feels it articulates the City's position of concern for Richard Montgomery and on the issue of no boundary changes within the City of Rockville. However, he suggested one minor exception that being Fallsmead Elementary School transfer within the Wootton Cluster to get better utilization. Mrs. Goldberg said it might be able to be suggested now. Councilman Abrams also suggested that in the testimony on the 15-year Master Plan, that the phrase "of no boundary changes in the Richard Montgomery/Julius West/Beall attendance areas" be removed since Dr. Cody recommends no boundary changes.

Mayor Freeland said he is pleased with the work of the commission and thanked Mrs. Goldberg for coming tonight to address the Council.

Re: Public Hearing: Cold Spring
Road Extension

The Mayor and Council conducted a public hearing on the extension of Cold Spring Road and heard those persons, as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing, with the record to be held open for one week and that it be brought back before the Mayor and Council for decision and instructions to staff at next week's Council meeting.

Re: Introduction of Ordinance:
Authorization of Special
Assessment Project Widening of
the south side of Brent Road
from Calvert Road to 150 feet
east

On motion of Councilman Duncan, there was introduced upon the table, an ordinance authorizing a special assessment project for the widening of the south side of Brent Road from Calvert Road to 150 feet east, said ordinance to lay over at least one week before final action is taken.

Re: Resolution: To Amend the Charter of the City to delete the requirement that funds unexpended and unencumbered at the end of the budget year be included among the anticipated revenues for the next succeeding budget year.

Resolution No. 1-84

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 1-84, Charter Amendment No. 40, amending Charter of the City to delete the requirement that funds unexpended and unencumbered at the end of the budget year be included among the anticipated revenues for the next succeeding budget year, was adopted by the Mayor and Council.

Re: Resolution: To Amend the Charter of the City to amend the election provisions by changing the date on which elections are held; by including among the reasons for which a vacancy can occur on the Council, the filing to become a candidate for certain public office; and by providing that vacancies on the Council with remaining terms of one year or greater shall be filled by special City election, with other vacancies to be filled by vote of the Mayor and Council.

Resolution No. 2-84

Councilman Tyner suggested that Mr. Glasgow speak to the Council about the questions he had proposed during the day concerning Section 5 of Article III. Councilwoman Hovsepian felt that each item should be addressed separately. Mr. Glasgow handed out to the Council draft text he had prepared for Article III, Section 4 and Section 5(a)(b)(c) and explained that the changes do not substantially deviate from the text that was advertised for the public hearing; the language is legal and is just for clarification purposes.

Councilman Tyner moved to amend the introduced text of the resolution for Article III, Section 4 (Election, Nominations and Elections), by adding " ...or until the succeeding Council takes office. After the election to be held on April 30, 1984, the qualified voters of the City shall elect one person as Mayor and four persons as Councilmembers to serve for terms of two years on the next Tuesday after the first Monday in the month of November in every odd numbered year." Councilman Duncan asked when the Council would take office after a November election. Mr. Glasgow explained that the Charter states the new Mayor and Council must meet one

week after the election. He added that if the Council wanted to change this, a new Charter resolution would be needed.

Councilman Tyner's motion was seconded and unanimously passed by the Council.

Councilwoman Hovsepien said she would like to get the citizens' feeling on the proposed amendments she has asked the City Attorney to prepare on Section 5 of Article III. She asked to have a referendum on these changes. Councilman Abrams said he can support 5(b) and (c) but he sees harm to the City of taking 5(a) to the citizens for referendum. He explained that a person may want to run for Council and another office but will not file to run for a City election but rather wait and run for a larger office. Councilwoman Hovsepien said she has very strong feelings about this practice and is opposed to it. She thinks that the candidate should make a choice. She also said she would like to keep partisan politics out of Rockville. Councilman Abrams said he would like to hear how the other Councilmembers feel about this issue. He suggested the Council make a decision to adopt it or not and then take the issue to the voters in April. If the voters do not agree with the Mayor and Council, than the Mayor and Council can go back and change the Charter. Councilman Tyner said he does not want to make any changes to Section 5. He feels filing for other partisan office is the pleasure of the person and he has a problem with (b) and (c) as a practical matter. Councilman Duncan said he is not in favor of (a), (b), or (c). Regarding a referendum, he stated that he would like to see the number of candidates in the election before he decides on that. Councilwoman Hovsepien agreed that a person has a legal right to do this but she would still like to ask the citizens to think about this issue and let the Mayor and Council know their feelings. Councilman Abrams said he does not question the intentions of Councilwoman Hovsepien but does of some other people who have raised this issue. He said Mrs. Hovsepien's reasoning is to get more input from the citizens and to discourage people from getting into politics at the entry level. Mr. Abrams went on to express his personal feelings regarding the question of his integrity when he ran for State Legislature during the last election. He said the test will be at election time if the citizens feel he did not serve in the best interest of the City. He went on to explain how the only training ground for elected offices is through civic associations and then up to city, county and state. He reminded the Council that the Council has the power to take action if a member is derelict in their duties. Councilwoman Hovsepien said a lot of areas are not covered by civic associations and people do not know what is going on in the City and that is why she wants to see these issues as referendum questions.

Councilman Abrams moved to reject the proposed changes to Section 5(a)(b)(c). and leave Section 5 as now written in the Charter. Councilman Tyner said he would second Mr. Abrams motion if he could slightly amend it so that on page 2 of the original document, the last two lines would read "...of the remaining members of the Mayor and Council. The results of any such vote shall be recorded in the Minutes of the Mayor and Council." Councilman Abrams agreed to accept Mr. Tyner's amendment. Councilman Abrams motion passed, with Mayor Freeland and Councilmen Abrams, Duncan and Tyner voting aye and Councilwoman Hovsepian voting nay.

The Council discussed the possibility of bringing forth these changes again in a different form or as possible referendum questions.

On motion of Councilman Tyner, duly seconded and passed, Resolution No. 2-84, Charter Amendment No. 41, amending the Charter of the City so as to amend the election provisions of the Charter, Section 4 and 5 of Article III, by changing the date on which elections for the Mayor and Councilmembers of the City of Rockville are to be held after April 30, 1984, and by correcting grammatical errors, was adopted as amended by the Mayor and Council with Mayor Freeland and Councilmen Abrams, Duncan and Tyner voting aye and Councilwoman Hovsepian voting nay.

Re: Resolution: To Amend the Charter of the City so as to change the residency period for candidates prior to running for office; to delete the stipend of Mayor and Councilmembers from the Charter and to provide that said stipend shall be set by ordinance

Resolution No. 3-84

Councilman Tyner moved to amend Section 1(c) of the proposed resolution to add the words "following public hearing" after "as provided by ordinance..." Councilwoman Hovsepian suggested leaving the residency period at three years instead of changing it to one year. She said she would like to hear from the citizens to see if they would prefer their fellow citizens to live in the City for three years instead of one before running for office. Mayor Freeland suggested that this be kept in mind as a possible referendum question to go on the ballot. Councilman Tyner's motion was duly seconded by Councilman Duncan.

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 3-84, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, amending the Charter of the City so as to change the residency period for candidates prior to running for office and to delete the stipend of Mayor and

Councilmembers from the Charter and to provide that said stipend shall be set by ordinance, was adopted as amended by the Mayor and Council.

The City Attorney told the Council that an ordinance would have to be adopted stating the new stipend before the Charter Resolution becomes effective and before the City election.

Re: Resolution: To amend the Charter of the City of Rockville so as to amend the personnel provisions by limiting the prohibitions against various political activities to those relating to City elections.

Resolution No. 4-84

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 4-84, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council amending the Charter of the City of Rockville so as to amend the personnel provisions by limiting the prohibitions against various political activities to those relating to City elections, was adopted by the Mayor and Council.

Re: Approval of Lease - Broome Athletic Park

The Mayor and Council received in their brief books as copy of the 25-year lease for the Broome Athletic Park between the County and the City. The lease has been developed by the Recreation and Parks staff and the City's legal department and the lease has been refined with the County.

The lease agreement provides for the exclusive "as is" use of the following facilities at Broome:

- a) entire outdoor athletic area to the rear of the school, approximately 7.95 acres
- b) existing 4 outdoor tennis courts (unlighted)
- c) former interior girls auxiliary gym, approximately 1,200 sq. ft.
- d) interior athletic field equipment storage area
- e) use of existing school parking spaces during athletic park programmed times.

Under the lease the City will assume all the capital development, operating and maintenance costs of the areas of the school under our control. The total cost of the lease between the City and County will be a \$25 one-time rent payment (\$1.00 per year).

The term of the agreement shall be from April 7, 1983, to April 7, 2008. April 7 is the date that the joint use agreement was executed by the City, County and State to qualify the City for using P.O.S. funds to construct this project. The original "Joint Use Agreement" document is now incorporated into the lease agreement. The

lease agreement is needed to insure that the City's interests are protected after developing the new athletic park and amenities that will be constructed this spring.

Staff feels the agreement is basically a sound and reasonable document and recommends that it be approved.

The Broome Athletic Field Project is back out for bids and the adjusted Phase I is expected to be completed by June 20.

On motion of Councilman Tyner, duly seconded and unanimously passed, the 25 year lease for the Broome Athletic Park was approved by the Mayor and Council.

Re: Award of Contract: Purchase
of financial accounting data
processing software

Several months ago the Mayor and Council approved a change in approach from developing software in-house to one of buying software when possible. This was decided because the City's information systems development effort had fallen behind and a change in emphasis from development to packaged software was recommended as a way to speed up the process and reduce the cost. It was estimated that if the City was to develop the system themselves, it would cost at least double the cost of the proposed system and would take at least 2 person-years of effort. Now that the City's payroll system is fully operational on the HP-3000, the accounting and budgeting system must be implemented quickly.

The proposed new system is an on-line, data base system that will allow the City to continue its present methods of accounting and budgeting with certain major improvements. Reporting capability will be greatly improved and accounting features will enable management to improve its use of program budgeting as a management tool. It will also improve productivity in the Finance Department because of better input procedures.

The City released an RFP for financial software in late August. The resulting proposals were evaluated by a committee. Six proposals were received as a result of the the RFP. They are summarized as follows:

FIRM	COST	ANNUAL MAINTENANCE COST
Gemunis Computer System	\$13,200	\$1,200
Cognos Corporation	38,000	4,500
Software Int. (GEISCO)	44,444	6,500
Mitchell Humphrey Co.	68,000	6,800
GENASYS Corp.	87,500	10,500
Peat, Marwick & Mitchell	99,479 - 111,395	-0-

The proposals were evaluated in three areas. These were (1) qualifications and experience of the vendor, (2) proposed vendor support in implementing the system, and (3) extent to which the systems met the 53 key features listed in the RFP. The latter area was considered the most important.

Of six proposals, four were eliminated in a first evaluation round. Two proposals were selected for full evaluation and scoring. These were the proposals of the Cognos Corporation and Software International, a subsidiary of General Electric Information Services Company. In the areas of qualifications and experience and vendor support the proposals were considered equal. In the technical proposal and the cost proposal the Cognos Corporation had both the highest technical score and the lowest cost. The Cognos proposal had the second lowest cost of the six proposals submitted. In the technical area Cognos received 134 points out of a possible 156 to 116 for Software International. For cost, Cognos received 104 to 88 for Software International.

It is recommended that the Mayor and Council award a contract for \$38,000 to the Cognos Corporation for provision and installation of the Multiview Accounts Payable and General Ledger Systems. It is also recommended that the \$38,000 purchase cost be included in the next lease financing for computer equipment. This amount was not included in the FY 1984 budget because the decision to change course on software acquisition was made after the budget was approved.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Mayor and Council awarded a contract for \$38,000 to the Cognos Corporation for provision and installation of the Multiview Accounts Payable and General Ledger Systems based on the memorandum from the Director of Finance, that the proposal from Cognos Corporation is most advantageous to the City. It was also recommended that the \$38,000 purchase cost be included in the next lease financing for computer equipment.

Councilman Tyner said he would like to have staff give to the Mayor and Council a new list of equipment required for accounting and budgeting for new applications. Councilman Tyner questioned the change in accounting practice for purchase orders. Mr. Blick explained the new system for him.

Re: Adoption of Ordinance: To
grant Map Amendment
Application, M-34-83,
Congressional South Applicant,
request to rezone 55,595
square feet in the rear of
Congressional South Shopping
Center to C-2 Commercial Zone

Ordinance No. 2-84

Councilman Tyner asked if there was anything on the sewer line operation. Mr. Blick said there is no serious problem.

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 2-84, the full text of which can be found in Ordinance Book No. 11 of the Mayor

and Council, granting Map Amendment Application, M-34-83, to rezone 55,595 square feet in the rear of Congressional South Shopping Center to C-2 Commercial, was adopted by the Mayor and Council.

Re: Decision and instructions to staff re Street Closing Application, SCA-47-83, Congressional North, Applicant

On motion of Councilman Abrams, staff was instructed to prepare the necessary legal documentation to grant Street Closing Application, SCA-47-83, Congressional North, Applicant.

Re: Approval of Storm Water Management on-site waivers a) Horizon Hills; b) Burgundy Knolls

a) Horizon Hills Subdivision

This site is located at 9010 Scott Drive and is situated almost at the southern end of the Watts Branch drainage area. Because of its proximity to the stream and its location in the drainage area, it would be better not to require on-site SWM.

There are approximately two dozen existing and proposed public SWM facilities positioned in this tributary to help reduce the peak flows and the pollution to our water resources, and to preserve and protect this stream valley.

For these five reasons (on-site SWM would exacerbate the peak flows at this point by holding back water and releasing it with the peaks from above; the water table is so high that most acceptable on-site SWM systems would be ineffective; the runoff can be safely conveyed to the nearby stream; there are existing and proposed public SWM facilities located above this site which will protect greater lengths of the stream valleys; and these facilities will need funds for design, construction and/or maintenance) it is recommended that the on-site SWM requirements for this lot be waived and the City accept a contribution of \$504.25 (0.25 acre @ \$2,017 per acre) toward our public SWM project, subject to concurrence by the Montgomery Soil Conservation District.

On motion of Councilman Tyner, duly seconded and unanimously passed, the requirements for on-site SWM were waived and a contribution of \$504.25 was accepted, subject to concurrence by the Montgomery Soil Conservation District.

b) Burgundy Knolls

These three building lots are located at 701 First Street (Lot 1, Block 7) and 807 & 809 First Street (Lots 21 & 20 Block 1) in the Rock Creek Drainage Area, just downstream from the existing and proposed E-34 SWM facilities in Maryvale Park.

The run off from these lots can be safely conveyed to the nearby stream and the SWM facilities can provide compensating storm water detention for the increased runoff.

Some type of on-site SWM measures could be provided; however, the City has experienced difficulty with maintenance and effective operation of such small individual devices. It is believed to be in the public interest to waive the on-site requirement in this case and accept a contribution toward the City's off-site SWM program.

Considering the above, it is recommended that the City grant a waiver of the on-site SWM requirements and accept a contribution of \$1,512.75 (0.75 acres @ \$2,017 per acre) toward the City's public SWM program subject to concurrence by the Montgomery Soil Conservation District.

On motion of Councilwoman Hovsepien, duly seconded and passed, Mayor Freeland and Councilmembers Duncan, Hovsepien and Tyner voting aye and Councilman Abrams voting nay, authorization was given to grant a waiver for the on-site SWM requirements and a contribution was accepted in the amount of \$1,512.75 subject to concurrence by the Montgomery Soil Conservation District.

Re: Award of Contract: Bid
No. 42-84, Street Light
Conversion

Bids were opened on Friday, December 30, for the furnishing and installation of 252 high pressure sodium (HPS) luminaries to replace mercury vapor luminaries for City-owned street lights. This conversion is an important step in the City's street lighting management program, and will save the City about \$10,000 annually in energy costs. This project will complete the conversion of all underground-wired pendant-type street lights in the City. Neighborhood post-top lights, for which conversion is generally not yet cost-effective, and overhead wired lights are not affected by this work.

Nine net bids were received for this project:

*Brandenburg Electric Company, Frederick, Maryland	\$32,366.68
*Crum Electric Company, Frederick, Maryland	35,285.40
Hawkins Electric Company, College Park, Maryland	36,725.00
*Century Traffic Service, Rockville, Maryland	37,103.00
*M.C. Dean Electrical, Fairfax, Virginia	39,489.00
*Paul J. Vignola, Hyattsville, Maryland	44,472.00
*Jack Stone Electrical, Landover, Maryland	46,285.50
Lift-a-Loft Corporation, Muncie, Indiana	49,435.70

Jones Electric Company, Washington, D.C.

67,088.94

Engineer's Estimate (based on PEPCO prices)

61,179.00

The bids marked by an astrisk contain technical irregularities regarding the equipment proposed for use.

When putting together the specs, PEPCO advised the City to specify a regulator ballast, because it provides slightly better control over voltage irregularities. Consultation with PEPCO after bids were received indicated that the reactor-type ballast is generally quite acceptable, and it uses less energy. The regulator ballast, however, can be desirable at particular locations where voltage drops are a problem. The City has had no problem with voltage drops in the street light system. There appears to be no technical reason why the reactor ballast should not be acceptable.

The other issue that must be addressed is fairness to the other bidders. Regulator ballasts typically cost about \$7 more per unit than the reactor ballast. For 252 units, this translates to \$1,764. The difference between the low bid and that by the lowest bid with no irregularities is over \$4,000. This would indicate that it would not be unfair to other bidders to accept the low bid "as is".

The work is funded from the City's street lighting budget. To be more particular, the money being used is that which is being saved in this fiscal year by maintaining our own street lights through a private contractor.

The staff recommends waiving the technicality discussed above and awarding Contract No. 42-84 to Brandenburg Electric Company for its low bid of \$32,366.68. Brandenburg has done considerable street light work for the City of Frederick, and is reported to be very satisfactory.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Mayor and Council awarded Contract No. 42-84 for street light conversion, to Brandenburg Electric Company in the amount of its low bid of \$32,366.68. Mr. Glasgow asked that Mrs. Hovsepian amend her motion so that the technicality for non-material be waived. Mrs. Hovsepian agreed to the amendment, as did the seconder.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Barry Scher, re business lunch
2. Montgomery County re MXPD Task Force
3. P.A. Lacovara, re residency problem
4. Montgomery Board of Realtors, re Landlord/Tenant Ordinance changes

Councilwoman Hovsepian said she does not see what harm would be done by amending the City's Landlord Tenant Ordinance Article 4, Section 4-101(d), as suggested by the Board of Realtors. She asked if the City agreed to go

with the County's law on allowing 60 days "Notice of Rent Increase" or go with 90 days. Councilman Duncan felt it should be 90 days because the law allows more than one increase a year. He said he would like to adopt the Board of Realtors' suggestion on changing Article 4, Section 4-101 (d). Councilman Duncan said the ordinance will not change to exclude single family homes under the landlord/tenant regulations. He suggested that Licenses and Inspections be asked how they feel about changing Article 4 Section 4-101(d) and asked that the Board of Realtors be contacted about changing the time period for "Notice of Rent Increases" from 90 days to 60.

5. John Menke re Planning Policies Group
6. Darius Brown, re thank you
7. Alan Blandamer, re Hungerford/Stoneridge meeting
8. Linowes & Blocher re meeting with Mayor and Council

Councilwoman Hovsepian asked if the meeting has been set up. Mayor Freeland said he feels it would be a good idea to first have staff look at what has been prepared and then have staff draw up a summary sheet for the Mayor and Council's review. He said he has spoken with these people and he has expressed to them the City's feeling. He is pleased to see that they have responded back to the Mayor and Council rather fast. He would like to review the staff's fact sheet before meeting with the attorneys.

9. Senator Mathias re night service at National
10. S. Van Grack re North Adams Street sidewalk

Councilwoman Hovsepian asked if this area is participating in the brick sidewalk program. Mr. Blick said that if the sidewalk is brick it would have to be repaired with brick and if it is concrete it would have to be repaired with concrete. Councilwoman Hovsepian asked if this will be looked at during budget review. Mr. Blick said Public Works will check into it and get back to the Mayor and Council. Councilman Abrams asked that staff look to see if the adjacent property owners need repair.

11. Francis family re M-35 and M-36

Re: Information Items

1. Memo re Civic Center Revenue/Expenses
Councilman Tyner said this information was useful in Annapolis.
2. Response to citizen complaint
3. Information on Rockville Housing Authority residents
4. Draft letter to M-NCPPC re Montrose Joint Venture
5. Memo re Disposal of Treated Sludge at Gude Landfill
6. Information on Archaeological Investigation at Watts Branch Parkway
7. Report from Community Clinic
8. Copy of letter to Superintendent of Schools from United Community Ministers re reuse of schools.
9. Letter re RMSC re synchronized swim
10. Information on Frederick Avenue pedestrian bridge

Councilwoman Hovsepian said if it is possible to make this area better looking it would be valid to do so. Having more trash cans and picking up the trash is valid.

11. Report on ACSC activities

Councilwoman Hovsepian noted this report.

12. Information on Lone Oak Park

Councilman Duncan asked if an agreement had been reached on the City leasing the grounds. Mr. Blick said no formal agreement has been made. Councilman Duncan said he will be missing the February 27th meeting and would like to see this item moved up to February 13. Mr. Blick suggested moving it back to let the Recreation and Park Board review it. He will check with their schedule and see when it can be scheduled.

13. Memo re Dawson Avenue Housing complaint

14. Information on STAR funding

Councilman Tyner asked if there would be a selection from where the money will come from for this funding. Mr. Blick explained that it will be handled during the mid-year budget review. Councilman Tyner asked if the City publicized anywhere other than flyers for Doc Watson. He said the City has a commitment to put a series on and feels the Mayor and Council need to have discussion with STAR. Mayor Freeland asked that a time be set up to talk with STAR to discuss what is going on. Councilman Duncan said he would like to meet with them quickly so as to give them direction for next year. Mayor Freeland asked that they meet quickly with the Chairman and also discuss PR for the coming performances.

Re: New Business

1. Councilwoman Hovsepian suggested having a public hearing on the mid-year budget review. The Council all agreed to this.

2. Councilman Duncan said the City Clerk had asked the Mayor and Council's opinion about the telephone recording device that is hooked up in the Council's office but is not used. He suggested that it be disconnected and asked for any comment from the rest of the Council. The Council had no strong feeling to keep it and suggested disconnecting it unless the City Clerk can otherwise come up with a reason to keep it.

3. Councilman Tyner said he has no problem with item number 7 on the bonding memo handed out to the Council earlier in the evening. Mr. Blick suggested that the Council give some thought on this and also read the memo thoroughly. He asked that they also give some thought about the administrative costs that will be involved. It will become very costly to the City if a charge is not made for administrative review.

4. Councilman Tyner said the Board of the MML will be discussing classification at their meeting on Saturday. They will also will be discussing a new award to be presented to a municipality for its excellence in using new innovative costs and programs. The award will be presented at the MML Convention in Ocean City, Maryland. He asked that the City Manager give some thought as to what the City has done that is innovative. Councilman Tyner also mentioned that the Crab Feast will be at night and not during the afternoon.

5. Councilman Duncan said he has had some discussion about increasing the stipend of the Mayor and Council. The people that he has spoken with have suggested increasing the stipend. After a brief discussion by the Mayor and Council, they

instructed the staff to prepare an ordinance to set the Mayor and Council's stipend and call for a public hearing. The City Attorney added that the key to the ordinance is the actual stipend figure. He suggested that he could prepare the ordinance and before it is introduced, the Mayor and Council could insert a figure. Mayor Freeland agreed and said to proceed with the preparation of the ordinance and advertising and a figure will be inserted into the ordinance before it is introduced. Mr. Glasgow reminded the Council that the ordinance must be in place within 50 days and that the present Mayor and Council's stipend cannot be increased. The City Manager suggested the possibility of doing two ordinances. One to continue the present stipend up to April 30 and the second to decide upon a stipend after the April 30 election. Mayor Freeland said the last time the Mayor and Council had a stipend increase the City Manager provided for the Mayor and Council a memo on inflation and the pay for other jurisdictions. He asked that the memo be updated so they could get some idea as to figures. Mr. Glasgow said he will supply the ordinances and when the Mayor and Council introduce them, the figure will be added. Mayor Freeland suggested drafting the ordinance for introduction on February 13 and schedule the public hearing at the first available time.

6. Mayor Freeland said due to the lateness of the hour the Council will hold off on discussing possible Charter Referendum questions but asked the Council draw up their own list so a discussion can be held on February 13.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 39-83, for December 19, 1983, were approved as amended.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at 12:30 a.m. to convene again in work session on Monday, January 30, 1984, at 8:00 p.m. or at the call of the Mayor.